

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ESTATE OF LUQMAN A. ABDULLAH,

Plaintiff,

CASE NO. 12-14766

HON. LAWRENCE P. ZATKOFF

v.

UNIDENTIFIED FBI AGENTS,

Defendants.

ORDER TO SHOW CAUSE

AT A SESSION of said Court, held in the
United States Courthouse, in the City of Port Huron,
State of Michigan, on the 16th day of April, 2013

PRESENT: THE HONORABLE LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Plaintiff's Complaint was filed on October 26, 2012, against "Unidentified FBI Agents" with respect to an incident that occurred on October 28, 2009. Plaintiff served a copy of the Summons and Complaint on the United States Attorneys Office in Detroit, Michigan, the Office of the Attorney General for the United States of America in Washington, D.C. and the Federal Bureau of Investigation in Washington, D.C. in early November 2012 (see Docket #s 5, 6, 7). On January 14, 2013, Plaintiff requested a Clerk's Entry of Default as to the Defendant Unidentified FBI Agents, and the Clerk's Office entered an Entry of Default on January 15, 2013.

On March 19, 2013, the Court ordered the Government to file with the Court, within 30 days, appearance(s) of counsel and answer(s) to Plaintiff's Complaint. On April 5, 2013, the Government filed a response to the Court's March 19, 2013, Order. Therein, the Government asserted that Plaintiff's lawsuit is barred by the three-year statute of limitations because Plaintiff failed to bring

the lawsuit against any identified (named) individuals or parties prior to October 29, 2012, three years from the date of the incident at issue. For that reason, the Government suggested that the Court *sua sponte* dismiss Plaintiff's cause of action as a matter of law.

The Court's preliminary review of the facts alleged, together with its review of the applicable law and the three-year statute of limitations applicable to Plaintiff's cause of action, seem to substantiate the Government's position that Plaintiff's cause of action is subject to dismissal, as a matter of law. The Court, however, declines the Government's invitation to dismiss Plaintiff's cause of action at this juncture. The Court finds that a prompt resolution of the issue of whether to dismiss Plaintiff's cause of action as a matter of law is warranted. Importantly, however, the Court finds that the interests of justice strongly favor affording Plaintiff an opportunity to address whether his cause of action is barred by the statute of limitations, as suggested by the Government, before this Court make any decision regarding that issue.

Accordingly, and for the reasons set forth above, the Court hereby ORDERS Plaintiff TO SHOW CAUSE, in the form of a written a response filed in ECF on or before May 10, 2013, why this case should not be dismissed as a matter of law due to Plaintiff's failure to sue any identified (named) individuals or parties prior to October 29, 2012.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: April 16, 2013